

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL 30 2010

DAVID B. WILKINS, CLERK
BY
DEPUTY _____

CAROL WOOD MITCHELL, TRUSTEE,

§

§

Plaintiff,

§

v.

§

§

JOEL STRINGFELLOW,

§

§

Defendant.

§

4:09cv302

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

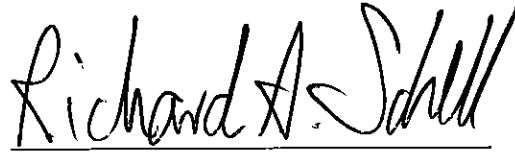
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 8, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Summary Judgment (Dkt. 12) and Defendant's Cross-Motion for Summary Judgment (Dkt. 17) should be DENIED and this matter should proceed to a bench trial to determine whether Defendant's property in Grayson County is exempt from execution.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Plaintiff's Motion for Summary Judgment (Dkt. 12) and Defendant's Cross-Motion for Summary Judgment (Dkt. 17) are DENIED, and this matter shall proceed to a bench trial

to determine whether Defendant's property in Grayson County is exempt from execution.

IT IS SO ORDERED.

SIGNED this 29th day of July, 2010.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE